

1 WEST VALLEY CITY, UTAH

2
3 ORDINANCE NO. _____

4
5 Draft Date: 04/21/2010

6 Date Adopted: _____

7 Date Effective: _____

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9 AN ORDINANCE AMENDING SECTIONS 23-1-102 AND 23-5-
10 104, OF TITLE 23 OF THE WEST VALLEY CITY MUNICIPAL
11 CODE REGARDING THE PROVISION OF ADEQUATE SPACE
12 FOR AND APPROPRIATE TREATMENT OF DOGS WHICH
13 ARE TETHERED OR KEPT WITHIN A CONFINED SPACE.
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15 WHEREAS; pursuant to §10-8-84, Utah Code Annotated, the City has the authority to
16 pass ordinances and rules, and make all regulations that provide for the safety and preserve the
17 health, and promote the prosperity, improve the morals, peace and good order, comfort, and
18 convenience of the city and its inhabitants, and for the protection of property in the City; and
19 may enforce obedience to these ordinances; and
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21 WHEREAS; the City recognizes regulating the proper care and treatment of animals
22 licensed to citizens of the City is necessary to provide for the health and safety of the public and
23 of the community; and
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25 WHEREAS; the City desires to direct the appropriate manner whereby a dog may be
26 tethered and/or kept under restraint by property owner or licensee upon the property of said
27 owner or licensee; and
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29 WHEREAS; the City desires to ensure all animals are provided with sufficient shelter
30 which does not endanger the health and safety of the animal and provides sufficient protection
31 from extreme weather; and
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33 WHEREAS; the City Council of West Valley City, Utah, does hereby determine that it
34 is in the best interests of the health, safety, and welfare of the citizens of West Valley City to
35 amend 23-1-102 and 23-5-104 of the West Valley City Municipal Code.
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38 NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah, as
39 follows:
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41 Section 1. Repealer. Any other provision of the West Valley City Municipal Code found to
42 be in conflict with this Ordinance is hereby repealed.
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44 Section 2. Amendment. Sections 23-1-102 and 23-5-104 of Title 23 of the West Valley
45 City Municipal Code are hereby amended as follows:

Title 23

ANIMAL CONTROL

23-1-102. DEFINITIONS

(1) Adequate space means that when a dog is fixed to a tether, fastener, chain, tie, or other restraint, the dog is able to easily stand up, sit down, turn around, lie down, and make all normal bodily movements and interact safely with the environment and with other animals that may be in the immediate area.

~~(1)~~ (2) Animal At Large means any domesticated animal, whether or not licensed, not under restraint as defined below.

~~(2)~~ (3) Animal Boarding Establishment means any establishment that takes in animals for boarding for profit.

~~(3)~~ (4) Animal Control Administrator means the Animal Control Administrator of the Animal Control Division of West Valley City.

~~(4)~~ (5) Animal Control Division means the Animal Control Division of the West Valley City Community Preservation Department.

~~(5)~~ (6) Animal Grooming Parlor means any establishment maintained for the purpose of offering cosmetological services for animals for profit.

~~(6)~~ (7) Animal Shelter means a facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah under Section 76-9-302, U.C.A., 1953 as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.

~~(7)~~ (8) Animal Subject to Licensing means a dog, ferret, or pot-bellied pig.

~~(8)~~ (9) Animal Under Restraint means any animal under the control of its owner or person having charge, care, custody, or control; except that a dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.

~~(9)~~ (10) Bite means an actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

~~(10)~~ (11) Cat means any age feline of the domesticated types.

~~(11)~~ (12) Cattery means an establishment for boarding, breeding, buying, grooming, or selling cats for profit.

~~(12)~~ (13) Dog means any canis familiaris over four months of age. Any canis familiaris under four months of age is a puppy.

~~(13)~~ (14) Domesticated Animals means animals accustomed to live in or about the habitation of man, including, but not limited to, cats, dogs, fowl, horses, swine, and goats.

~~(14)~~ (15) Enclosure means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog.

~~(15)~~ (16) Ferret means a ferret not protected by the Utah Division of Wildlife Resources, bred and sold as a domesticated pet. Domesticated ferrets must be spayed or neutered.

~~(16)~~ (17) Guard Dog means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a lease or under absolute control while working, so it cannot come into contact with the public.

~~(17)~~ (18) Health Department means the Salt Lake City/County Health Department.

- (18) (19) Holding Facility means any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facilities used for holding animals.
- (19) (20) Impound means taken into the possession and custody of an animal control agency, law enforcement agency, or an agent thereof.
- (20) (21) Kennel means an establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling, except where such establishment shall be licensed as having Sportsman's privileges as provided in Chapter 7 herein.
- (21) (22) Leash or Lead means any chain, rope, or device used to restrain an animal.
- (22) (23) Person means a natural person or any legal entity, including, but not limited to, a corporation, firm, partnership, or trust.
- (23) (24) Pet means a domesticated animal kept for pleasure rather than utility, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment, including ferrets and pot-bellied pigs.
- (24) (25) Pet Shop means any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.
- (25) (26) Pot-Bellied Pig means a Vietnamese or Chinese pot-bellied pig, spayed or neutered, and kept as a pet, not for livestock or food purposes. Pot-bellied pigs must be less than 150 pounds, and any tusks must either be removed or kept trimmed.
- (26) (27) Provoked means any deliberate act by a person towards a dog or any other animal done with the intent to tease, torment, abuse, assault, or otherwise cause a reaction by the dog or other animal; provided, however, that any act by a person done with the intent to discourage or prevent a dog or other animal from attacking shall not be considered to be a provocation.
- (27) (28) Quarantine means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
- (28) (29) Riding School or Stable means an establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule, or burro, or which offers such animals for hire.
- (30) Shelter means a structure which is substantial in construction and provides protection from moisture, wind and other factors of weather, and is of a size appropriate to the particular animal to ensure retention of body heat within the enclosure. Any shelter will be maintained to ensure a clean, dry, healthy environment for the animal being housed. Under this Title, Retention of body heat means the ability of the animal to enter a shelter and be able to easily stand up, sit down, turn around, lie down, and make all normal bodily movements.
- (29) (31) Stray means any animal at large, as defined herein.
- (32) Tether means any chain, rope, cable, or device attached to a fixed object and used for restraining a dog. The tether must be of sufficient strength to restrain the dog and be appropriate to the breed, age, size, and weight of the dog and is attached to the dog by a properly applied collar, halter or harness configured so as to protect the dog from injury or entanglement with objects or other animals.
- (30) (33) Vicious Animal means any animal which is dangerously aggressive, including, but not limited to, any animal which has bitten or in any other manner attacked any person or animal.
- (31) (34) Vicious Dog means:
- Any dog which, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;
 - Any dog with a known propensity, tendency, or disposition to attack; to cause injury; or to otherwise endanger the safety of human beings or animals; or

- c. Any dog which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property.
- (32) (35) Wild Animal means any animal of a species that in its natural life is wild, including those animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated, shall include but are not limited to:
- a. Alligators and crocodiles.
 - b. Bears (ursidae). All bears, including grizzly bears, brown bears, black bears, etc.
 - c. Cat family (felidae). All members of the cat family except the commonly accepted domesticated cat, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.
 - d. Dog family (canidae). All members of the dog family except the domesticated dog, and including wolf, part wolf, fox, part fox, coyote, part coyote, etc.
 - e. Porcupine (erethizontidae).
 - f. Primate (hominidae). All subhuman primates.
 - g. Raccoon (prosyndidae). All raccoons, including eastern raccoons, desert raccoons, ring-tailed cats, etc.
 - h. Skunks.
 - i. Venomous fish and piranha.
 - j. Venomous snakes and lizards.
 - k. Weasels (mustelidae). All members of the weasel family, including weasels, martins, wolverines, wild ferrets, badgers, otters, ermine, mink, mongoose, etc., except that persons raising animals of this family for their pelts, as a business, shall not be prohibited by this Title from possessing the animals.

23-5-104. CRUELTY TO ANIMALS PROHIBITED.

- (1) Physical abuse. It is unlawful for any person to willfully or maliciously kill; maim; disfigure; torture; beat with a stick, chain, club, or other object; mutilate; burn or scald; over-drive; or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation.
- (2) Hobbling animals. It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to any animal.
- (3) Care and maintenance. It shall be the duty of any person to provide any animal in his charge or custody, as owner or otherwise, with adequate food, drink, care, and shelter.
- (4) Animals in vehicles. It shall be unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time.
- (5) Abandonment of animals. It shall be unlawful for any person to abandon any animal within the jurisdiction.
- (6) Animal poisoning. Except for substances administered by a veterinarian or an Animal Control Officer humanely treating or disposing of an animal, it shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.

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182 (7) Injury to animals by motorists.

- 183 a. Every operator of a motor or other self-propelled vehicle upon the streets of the
184 jurisdiction shall immediately upon injuring, striking, maiming, or running down any
185 domestic animal give such aid as can reasonably be rendered. In the absence of the
186 owner, he shall immediately notify the Animal Control Division, furnishing facts relative
187 to such injury.
188 b. It shall be the duty of such operator to remain at or near the scene until such time as
189 the appropriate authorities arrive, and upon the arrival of such authorities, the operator
190 shall immediately identify himself to such authorities. Alternatively, in the absence of
191 the owner, a person may give aid by taking the animal to the Animal Control facility or
192 other appropriate facility and notifying the Animal Control Division. Such animal may be
193 taken in by the Animal Control facility and dealt with as deemed appropriate under the
194 circumstances.
195 c. Emergency vehicles are exempted from the requirements of this provision.

196 (8) Animals for fighting.

- 197 a. It shall be unlawful for any person or corporation to raise, keep, or use any animal, fowl,
198 or bird for the purpose of fighting or baiting; and for any person to be a party to or be
199 present as a spectator at any such fighting or baiting of any animal or fowl; and for any
200 person, firm, or corporation to knowingly rent any building, shed, room, yard, ground,
201 or premises for any such purposes as aforesaid, or to knowingly suffer or permit the use
202 of his buildings, sheds, rooms, yards, grounds, or premises for the purposes aforesaid.
203 b. Law enforcement officers or Animal Control Division officials may enter any building or
204 place where there is an exhibition of the fighting or baiting of a live animal, or where
205 preparations are being made for such an exhibition, and the law enforcement officers
206 may arrest persons there present and take possession of all animals engaged in fighting,
207 or there found for the purposes of fighting, along with all implements or applications
208 used in such exhibition. This provision shall not be interpreted to authorize a search or
209 arrest without a warrant when such is required by law.

210 (9) Killing of birds. It shall be unlawful for any person to take or kill any bird(s) or to rob or destroy
211 any nest, egg, or young of any bird in violation of the laws of the State of Utah.

212 (10) Malicious impounding. It shall be unlawful for any person to take, keep, or impound the animal
213 of another without permission.

214 (11) Keeping of diseased or painfully crippled animals.

- 215 a. It shall be unlawful for any person to abandon or turn out at large any sick, diseased, or
216 disabled animal; but such animal shall, when rendered worthless by reason of sickness
217 of other disability, be killed in a humane manner by the owner thereof and disposed of
218 as instructed after contacting the Animal Control Division.
219 b. It shall further be unlawful for the owner or person having the charge, care, custody,
220 and control of such animal infected with dangerous or incurable and/or painfully
221 crippling condition to have, keep, or harbor such animal without placing the same under
222 veterinary care or to dispose of the same. The failure to take such care is a violation of
223 this Title, and the Animal Control Division may take custody of such animals and deal
224 with them as deemed appropriate under the circumstances.

225 (12) It is a defense to the prosecution under this section that the conduct of the actor towards the
226 animal was by a licensed veterinarian using accepted veterinary practice or was directly related
227 to a bona fide experimentation for scientific research, provided that if the animal is to be

228 destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the
229 veterinary purpose or scientific research involved.

- (13) If the owner of any animal is found to be in violation of this section on three or more different occasions during any 12-month period, the Animal Control Administrator may obtain an order prohibiting that person from possessing, owning, keeping, or caring for any animal, whether subject to licensing or not. This restriction may include horses and livestock, if the acts committed did not meet accepted standards of care for such animals.
- a. An order may be obtained if the person has been found to commit cruel acts to any animal, regardless of whether the animals were owned, kept, or possessed by that person.
 - b. The order shall designate a time period that the person may not obtain a license, which shall be determined based on the nature and severity of the violations. In no event shall the time period exceed five years.
 - c. The Animal Control Division shall pick up and impound any animal(s) kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with according to the provisions of this Title for impounded animals, except that such person under the order of revocation shall be allowed to redeem the animal under any circumstances.

(14) Tethering of Dogs.

- a. It is unlawful for an owner or handler of a dog to tether a dog in any manner that would cause injury or damage to the dog, or when freedom of movement would endanger a dog. A tether must be of sufficient length to provide the dog with adequate space. Each dog tethered in violation of this section shall constitute a separate offense.

(15) Extreme weather. It shall be unlawful for an owner or handler of any dog to tether or place any dog under restraint outside and within the owner or handler's property limits during conditions of extreme heat or cold that are likely to endanger a dog confined in such temperatures. Extreme heat or cold shall be determined as appropriate to the breed, age, size, and weight of the dog.

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2010.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER